

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 08-00222 WHA

v.

LUKE D. BRUGNARA,

Defendant.

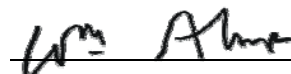
**ORDER RE DEFENSE COUNSEL'S  
MOTION TO VACATE**

Today, Assistant Federal Public Defender Brandon LeBlanc filed a motion to vacate the evidentiary hearing — on the merits of defendant's pending Form 12 — previously set for 8 AM on June 16 (Dkt. No. 267). In essence, Attorney LeBlanc argues that "[i]t would instead be in the best interest of all parties to delay the resolution of the Form 12 proceedings pending the resolution of [the] new substantive mail fraud charges in CR 14-306," given that the alleged conduct underlying both prosecutions involves the same evidence (*id.* at 2, 3).

Due to the last-minute nature of the motion to vacate, the government has not been able to file a response. Accordingly, the motion to vacate will be heard at the outset of the scheduled hearing, *i.e.*, at **8 AM ON JUNE 16**. Please be prepared to go forward with the evidentiary hearing if the motion is denied. Also, if Attorney LeBlanc and the Federal Public Defender's Office are going to recuse themselves on account of being witnesses, please do so promptly so that delay can be avoided in bringing in new counsel.

**IT IS SO ORDERED.**

Dated: June 13, 2014.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE